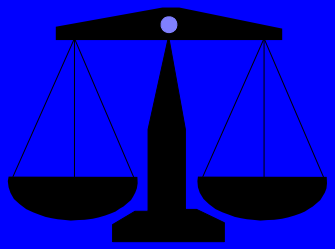


PREMOBILIZATION LEGAL PREPAREDNESS

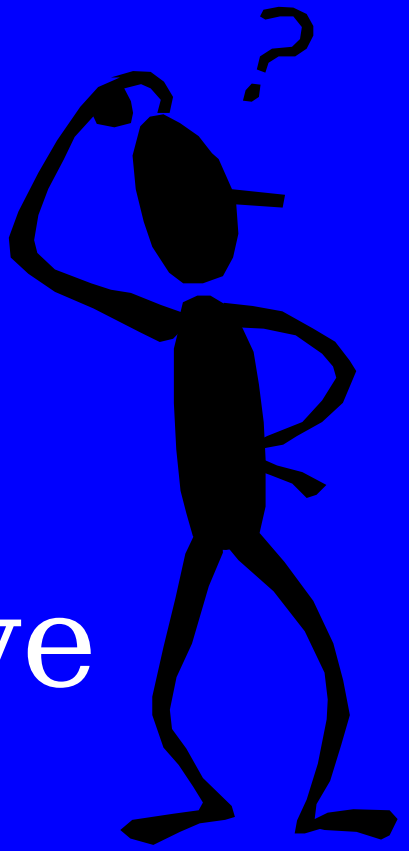
Are You Ready?

Prepared by the

87th LSO

Why Important?

- Peace of Mind
- Save Time
- Be Ready to Serve

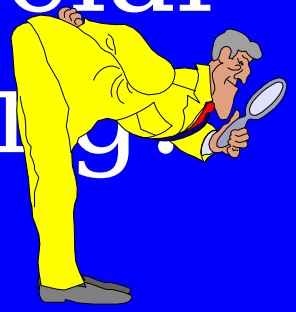


Premobilization Planning

- Inventory
- Legal Checkup
- Estate Planning
- Personal Affairs
- Employment
- Military Benefits

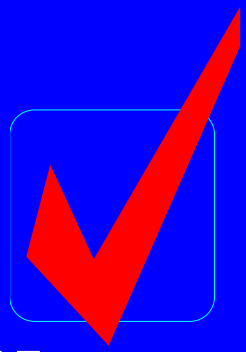
Asset Inventory

- Location, value, serial numbers, policy numbers / amounts, etc.
- Your map to financial affairs and planning.



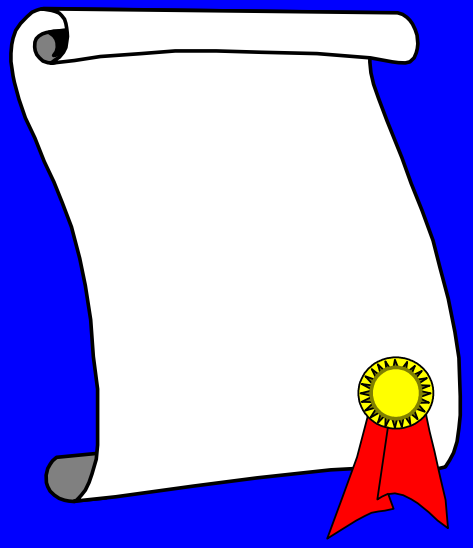
Legal Checkup

- On your own
- With a JAG attorney
- Review legal documents

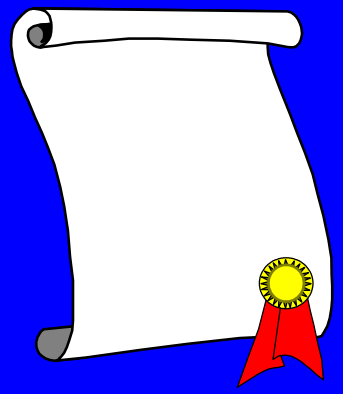


Estate Planning

- Wills and Trusts
- Powers of Attorney
- Living Wills
- Insurance



Will

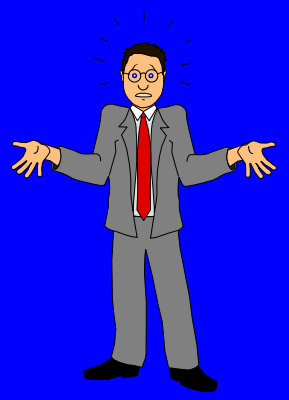


- What is it?
- Always necessary?
- To What Does it Apply?

Will

- Possible advantages?
  - Savings
  - Control
  - Peace of mind, morale, and soldier readiness

Will



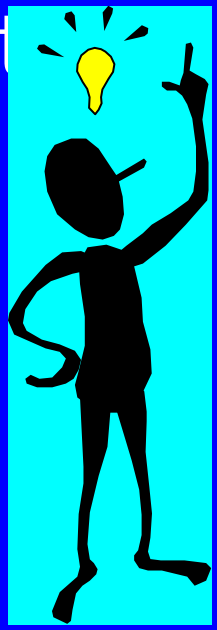
- But what if I die without one?
  - Not the “end of the world”
  - Laws of Intestate Succession
  - May or may not be what you want

Will

- **<u>Three Primary Purposes</u>**:
  - Select Personal Representative
  - Dispose of Property
  - Select Guardians of Minor Children

Will

- **<u>Administer Will</u>**
  - Select Personal Representative (or “Executor”) and alternat
  - Trusted individual!



Will

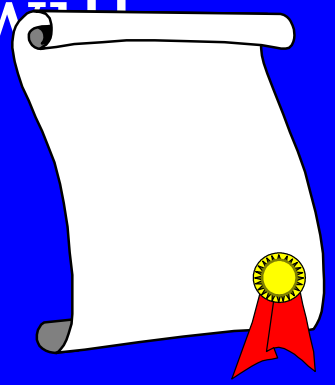
- **Dispose of Property**
  - Who receives?
  - Your desires
  - Special rules (children / spouses)

Will

- **<u>Select Guardian(s)</u>**
  - Minor children
  - You nominate; court appoints
  - Nominee willing to se

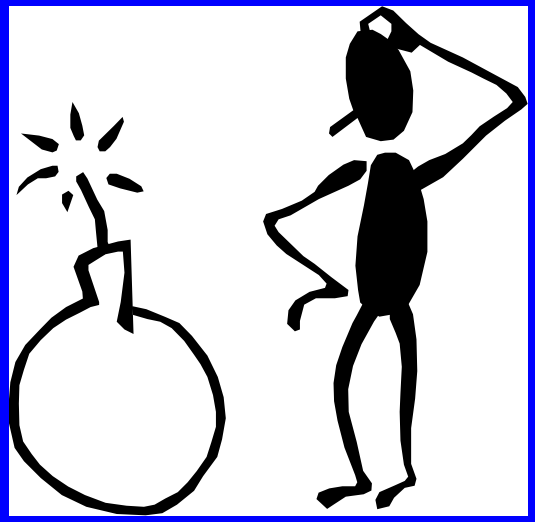
Will

- **A LIVING DOCUMENT!**
  - Careful/periodic review
  - May need updating
  - Dangers of out-of-date will
  - How changed?



Will

- **Other Considerations**
  - Size of estate
  - Use of trusts
  - Legal residency
  - UGMA / UTMA
  - Insurance
  - “Holdover Wills”



Living Will

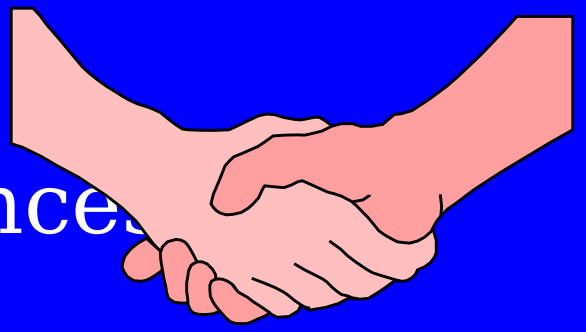
- Available
- Durable Health Care Power of Attorney
- Advance Medical Directive (AMD) or “Directive to Physicians”

Living Will

- Terminal condition
- Persistent vegetative state
- Opinion of two physicians
- “Quality of life” issue
- An “individual” decision

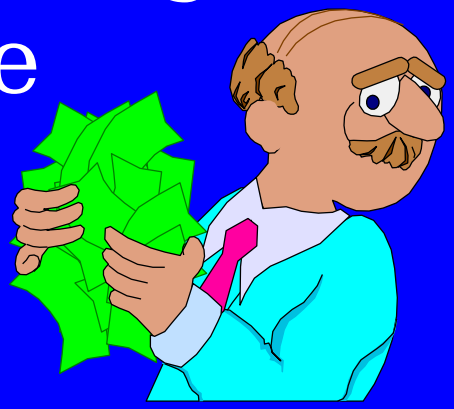
Power of Attorney

- Legal document granting authority
- To another
- Whom you trust
- To act for you
- In certain circumstances
- Your “**legal clone**”



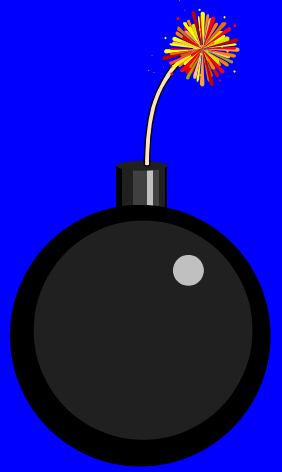
Power of Attorney

- May be **GENERAL** or **SPECIAL**
- Broad vs. limited grant of authority
- Special POA generally preferable



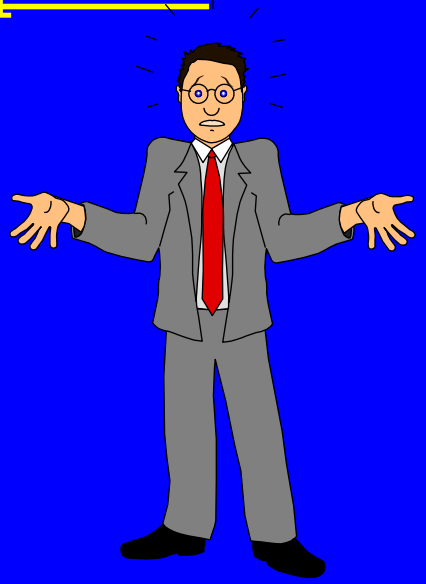
Power of Attorney

- **CAUTION!**
- Potentially powerful
- Be careful who you give it to
- Give no more authority than reasonably necessary!
- Not always needed



Power of Attorney

- **Not a cure-all**
- Not always accepted
- Allows but does not require (actions or acceptance)



Power of Attorney

- Particular problem areas:
  - Financial institutions ($$$)

Power of Attorney

- Particular problem areas:
  - Financial institutions ($$$)
  - Real property sales / purchases

Power of Attorney

- Particular problem areas:
  - Financial institutions ($$$)
  - Real property sales / purchases
  - Custody POAs

Power of Attorney

- Particular problem areas:
  - Financial institutions ($$$)
  - Real property sales / purchases
  - Custody POAs
  - Revocation

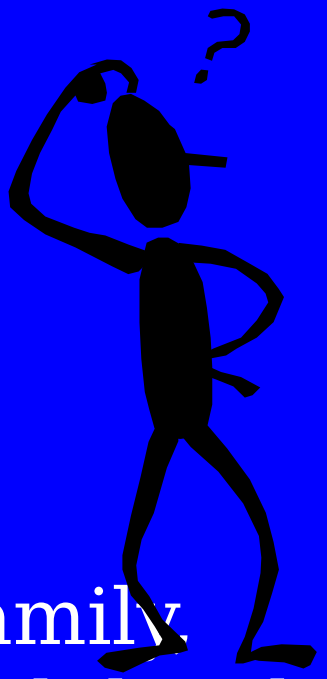
Power of Attorney

- Revocation difficult
- Expiration easier
- Policy of limiting to one year

Power of Attorney

- Valid until--
  - Death
  - Subsequent incapacity
  - Expiration date
  - Date validly revoked

Personal and Business Planning



- **Think NOW . . .**
- What will happen to me, my family and my employment if I am mobilized?

Personal and Business Planning

- **Consider:**
  - Distance
  - Reduced communication
  - Memory
  - Time
  - Possibly-reduced income

Personal and Business Planning

- Assemble important documents
- Know where things are
- Make needed arrangements

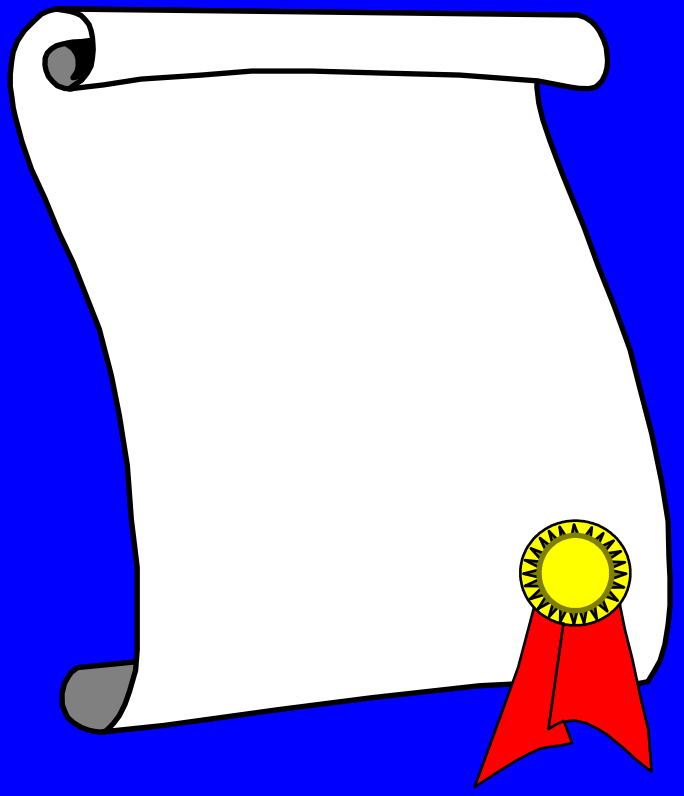
Personal and Business Planning

- Real estate holdings
- Insurance
- Bank accounts (access?)
- Allotments?
- Registering to vote

- Payment of debts / obligations
- Family Care Plan
- Customers, clients, patients, employees

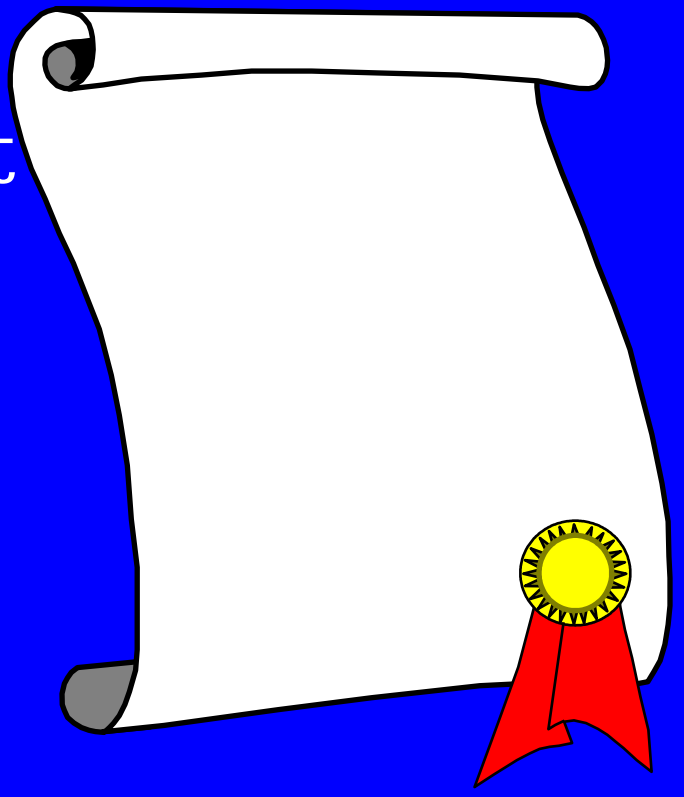
Insurance

- Military (SGLI)
- Commercial



Insurance

- Life
- Health and Accident
- Business
- Fire
- Mortgage
- Other



Insurance

- **<u>Considerations</u>:**
  - **No “by law”** SGLI designation

Insurance

- **<u>Considerations</u>:**
  - **No "by law"** SGLI designation
  - Correct beneficiaries

Insurance

- **<u>Considerations</u>:**
  - **No "by law"** SGLI designation
  - Correct beneficiaries
  - Adequate amount of coverage

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  - Adequate amount of coverage
  - Appropriate payment option

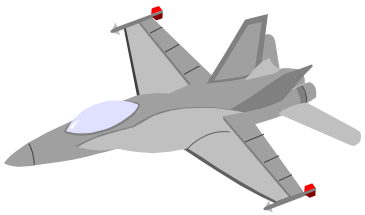
Insurance

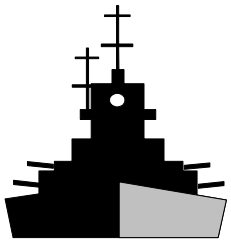
- **<u>Considerations</u>:**
  - **No "by law"** SGLI designation
  - Correct beneficiaries
  - Adequate amount of coverage
  - Appropriate payment option
  - Military exceptions / clauses

Consider the Following!

- Need will? living will? POA? insurance?
- Record of Emergency Data Card up-to-date?
- Personal, business, and military records in safe, accessible place?
- Make business/employment arrangements
- Family knows about military benefits and entitlements?

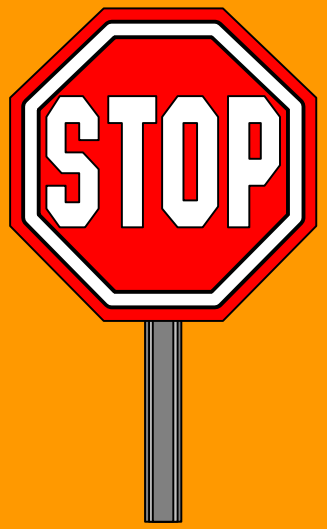
Post-Mobilization Protections





- Soldiers and Sailors Civil Relief Act (“SSCRA”)
- Uniformed Services Employment and Reemployment Rights Act (“USERRA”)

SSCRA



- **<u>PURPOSE</u>**:
  - Temporary protection / suspension
  - Not intended to be a “shield”

SSCRA

- **BASIC PREMISE**:
  - Not be **penalized** nor the subject of **unfair advantage by another**
  - Merely because you entered upon **active military service**

SSCRA

- Generally requires that you be **MATERIALLY AFFECTED** to your detriment by your m[illegible]

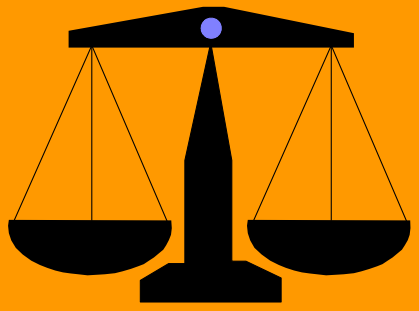
Material Affect

To Your Detriment

Military Service

SSCRA

- **<u>AVAILABLE RELIEF</u>:**
  - **Appointment of attorney** "back home" to request SSCRA protections
  - **Legal defenses/protections**
    - "Stay" legal proceedings
    - Toll statute of limitations
    - Reopen judgments



SSCRA

- **<u>AVAILABLE RELIEF</u>:**
  - **Interest rate cap** *6%*
    - Reduction to 6% APR
    - Automatic upon application by soldier
    - Not applicable to GSL loans

SSCRA

- **<u>AVAILABLE RELIEF</u>:**
  - **Interest rate cap** *6%*
    - Forgiveness--*not* delay!!!

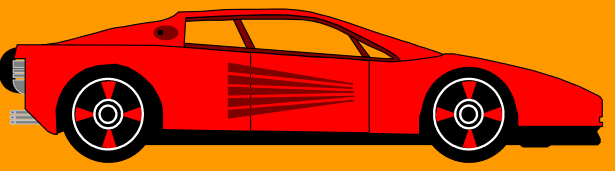
SSCRA

- **<u>AVAILABLE RELIEF</u>:**
  - **Real estate protection**
    - Foreclosure / Repossession Protection
    - Termination of Pre-Active Duty Lease
    - Eviction Protection

SSCRA

- **<u>AVAILABLE RELIEF</u>:**

  - **Insurance premiums** **$$$**
  - **Income and personal property taxes**
  - **Automobile lease**
  - **Legal residency**

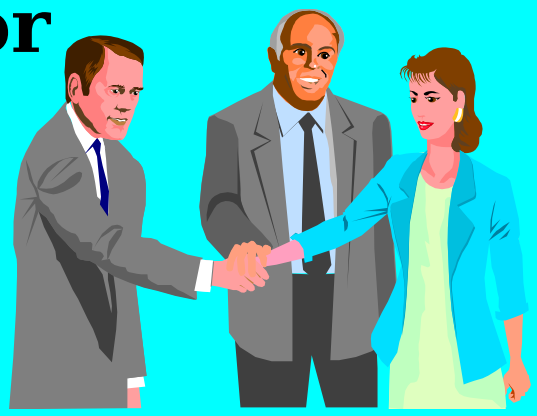


SSCRA

- **CAUTION!**
- **Don’t renegotiate** obligations after entering active duty until familiar with new military status and benefits
- A signed agreement after entering active duty may **waive** SSCRA’s protections

USERRA

- ***OVERVIEW:***
  - Provides for **restoration of job** upon release from voluntary or involuntary active duty.
  - **5 Prerequisites** for Protection
  - **7 Basic Entitlements or Protections**
  - How enforced



USERRA

- **5 Prerequisites**
  - Held a **civilian job**

USERRA

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  - Gave **prior notice** of military service, where practicable *(exception: military necessity)*

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  - **Period of service** doesn't exceed 5 years

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  - Served under **"honorable conditions"**

USERRA

- **5 Prerequisites**
  - Held a **civilian job**
  - Gave **prior notice** of military service, where practicable *(exception: military necessity)*
  - **Period of service** doesn't exceed 5 years
  - Served under **"honorable conditions"**
  - Report back or reapply in a **timely manner**

USERRA

- **7 Basic Entitlements / Protections**
  - Prompt reinstatement

USERRA

- **7 Basic Entitlements / Protections**
  - Prompt reinstatement
  - Status

USERRA

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  - Seniority *(“escalator” principle)*

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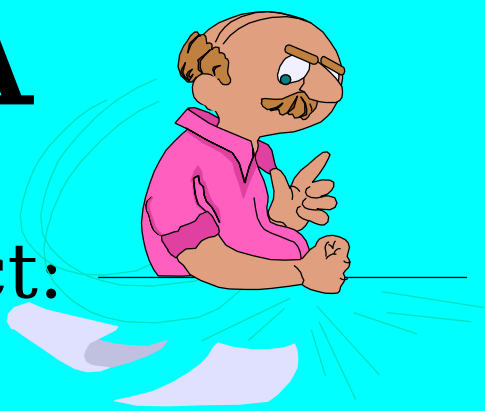
  - Seniority *("escalator" principle)*
  - Health insurance
  - Other non-seniority benefits
  - Training, retraining, and other accommodations

USERRA

- **<u>7 Basic Entitlements / Protections</u>**
  - Prompt reinstatement
  - Status
  - Seniority *(“escalator” principle)*
  - Health insurance
  - Other non-seniority benefits
  - Training, retraining, and other accommodations
  - Discharge, discrimination, & reprisal protection

USERRA



- If denied restoration, contact:
  - JAG Office
  - Nearest **VETS Office** or call **1-202-219-9110**
  - OPM or Fed. Job Info. Center
  - National Comm. For Employer Support of the Guard and Reserve (**1-800-336-4590**)
  - Nearest Department of Veteran Affairs office

USERRA

- **<u>Prevention</u>** of employment problems is **KEY**.

- Discuss your military affiliation and known commitments **NOW**.

SUMMARY

- THINK AND PLAN AHEAD
- OBTAIN NEEDED ADVICE
- KEEP & MAINTAIN GOOD RECORDS
- MAKE NEEDED ARRANGEMENTS
- KEEP FAMILY INFORMED
- AND DO IT NOW!

SUMMARY

THE WELFARE OF YOUR LOVED ONES AND YOUR OWN WARFIGHTER READINESS DEPEND ON YOU DOING SO!